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11 Attorneys for CITY OF SAN JOSE

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 DAVID ARMSTRONG,

16 Plaintiff(s),

17 v.

18 CITY OF SAN JOSE; SAN JOSE POLICE
19 OFFICER ALEXANDER KELLER; SAN
20 JOSE POLICE OFFICER BALDWIN; SAN
21 JOSE POLICE OFFICER ZARATE; AND
22 SAN JOSE POLICE OFFICER
23 BORTOLOTTI, and DOES, inclusive,

24 Defendant(s).

Case Number: 16-cv-02938-EJD

**STIPULATED REQUEST FOR AN
ORDER EXTENDING DISCOVERY
DEADLINES AND ~~[PROPOSED]~~
ORDER (Local Rule 6-2)**

as modified below

25 Plaintiff David Armstrong and Defendants City of San Jose, Officer Alexander
26 Keller, Officer Glenn Baldwin, Officer Christine Zarate, and Sergeant Damian Bortolotti
27 (collectively the "City") respectfully submit this stipulation as follows:

28 WHEREAS, the Court approved the following discovery deadlines on March 24,
2017;

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<u>Event</u>	<u>Deadlines</u>
Fact Discovery Cutoff	July 12, 2017
Designation of Opening Expert with Reports	September 8, 2017
Designation of Opening Experts with Reports	October 6, 2017
Expert Discovery Cutoff	September 25, 2017
Deadline for Filing Discovery Motions	See Civil Local Rule 37-3
Deadline for Filing Dispositive Motions	July 19, 2017
Hearing on Anticipated Dispositive Motions	August 21, 2017

WHEREAS, the Court referred this matter for Early Neutral Evaluation on March 1, 2017 to be completed on or before May 30, 2017;

WHEREAS, the parties have not been able to complete the ENE due to the availability of the parties and neutral evaluator;

WHEREAS, the Court extended the deadline to complete the ENE to August 30, 2017;

WHEREAS, the Parties desire to meaningfully engage in settlement negotiations and avoid costs associated with discovery, as much as possible;

WHEREAS, the Parties will not be able to complete the necessary depositions in light of pre-planned vacations of various witnesses before the fact discovery cutoff deadline of July 12, 2017;

NOW, THEREFORE, THE PARTIES STIPULATE AS FOLLOWS:

1. The discovery deadlines shall be extended as follows:

<u>Event</u>	<u>Deadlines</u>
Fact Discovery Cutoff	August 14, 2017
Designation of Opening Expert with Reports	September 8, 2017 (unchanged)
Designation of Opening Experts with Reports	October 6, 2017 (unchanged)
Expert Discovery Cutoff	September 25, 2017 (unchanged)

1	Deadline for Filing Discovery Motions	See Civil Local Rule 37-3
2	Deadline for Filing Dispositive Motions	August 23, 2017
3	Hearing on Anticipated Dispositive Motions	September 25, 2017

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October 5, 2017

2. All other deadlines established by the Court shall remain the same.

Respectfully submitted,

RICHARD DOYLE, City Attorney

Dated: June 21, 2017

By: /Kendra McGee-Davies/
KENDRA MCGEE-DAVIES
Deputy City Attorney

Attorneys for CITY OF SAN JOSE; SAN JOSE POLICE OFFICER ALEXANDER KELLER; SAN JOSE POLICE OFFICER BALDWIN; SAN JOSE POLICE OFFICER ZARATE; AND SAN JOSE POLICE OFFICER BORTOLOTTI

STEVEN HORNER

Dated: June 21, 2017

By: /Stephen Horner/
STEPHEN HORNER

Attorney for PLAINTIFF DAVID ARMSTRONG

1 **PROPOSED ORDER**

2 Pursuant to the foregoing stipulation of the Parties and good cause appearing
3 therefore, the Court orders as follows:

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<u>Event</u>	<u>Deadlines</u>
5 Fact Discovery Cutoff	August 14, 2017
6 Designation of Opening Expert with Reports	September 8, 2017 (unchanged)
7 Designation of Opening Experts with Reports	October 6, 2017 (unchanged)
8 Expert Discovery Cutoff	September 25, 2017 (unchanged)
9 Deadline for Filing Discovery Motions	See Civil Local Rule 37-3
10 Deadline for Filing Dispositive Motions	August 23, 2017
11 Hearing on Anticipated Dispositive Motions	September 25, 2017

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14 **IT IS SO ORDERED.**

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16 Dated: _____

17 HON. EDWARD J. DAVILA
18 UNITED STATES DISTRICT COURT
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